



Entered on Docket  
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINTH OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED, IN WHOLE  
OR IN PART, UPON INVESTMENT IN  
THE BAR USA LOAN**

Hearing Date: October 5, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Ninth Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based, In Whole or In Part, Upon Investment in the BarUSA Loan”  
3 [Docket No. 7356] (the “Objection”); with appropriate notice of the Objection having been  
4 given; no response to the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained;
- 7 2. The claims listed in **Exhibit A** are disallowed to the extent those  
8 claims are based upon a Direct Lender Investment in BarUSA Loan;  
9 and
- 10 3. To the extent the claims listed on **Exhibit A** are based upon  
11 investments in loans other than the BarUSA Loan, this order does not  
12 affect them and the USACM Trust may file further objections.

13  
14 PREPARED AND RESPECTFULLY SUBMITTED BY:

15  
16 **LEWIS AND ROCA LLP**

17 By /s/ Marvin Ruth (#10979)  
18 Rob Charles  
19 John Hinderaker (*pro hac vice*)  
20 Marvin Ruth  
21 3993 Howard Hughes Parkway, Ste. 600  
22 Las Vegas, Nevada 89169-5996  
23 Telephone: (702) 949-8200  
24 Facsimile: (702) 949-8398  
25 *Attorneys for USACM Liquidating Trust*  
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan</b>
<b>10725-00245</b>	Robert H & Lynn R Perlman Trust Dated 9/17/92	C/O Robert H & Lynn R Perlman Ttees 2877 Paradise RD Unit 3501 Las Vegas, NV 89109-5278	1,187,000.00	50,000.00
<b>10725-02000</b>	Robert L Ogren Trust Dtd 6/30/92	Robert L Orgren Ttee 3768 Rick Stratton Dr Las Vegas, NV 89120	1,827,483.14	120,000.00
<b>10725-02090</b>	Robert William Ulm IRA	PensCO Trust Company Custodian 414 Morning Glory Rd St Marys, GA 31558	1,415,506.00	100,000.00
<b>10725-00302</b>	Ruby M Hill Family Trust Dtd 12/12/92	C/O Ruby M Hill Trustee 7855 N Pershing Ave Stockton, CA 95207-1749	4,005.00	Unknown
<b>10725-01419</b>	S&P Davis Limited Partnership	737 Bannerman Lane Fort Mill, SC 29715	419,981.00	25,000.00
<b>10725-00275</b>	Sailon, David & Joan	2436 Cliffwood Dr Henderson, NV 89074	-	Unknown
<b>10725-00467</b>	Sanchez, Barbara M	Po Box 90528 Santa Barbara, CA 93190	-	250,000.00
<b>10725-00884</b>	Schumann, Kenneth	10 Town Plz #99 Durango, CO 81301	125,000.00	50,000.00
<b>10725-01955</b>	Small Family Trust	Richard & Jacquelin Small Ttees 4801 Calle Santa Cruze Prescott Valley Az 86314	703,134.00	30,000.00
<b>10725-00413</b>	Sobesky, Stephen	<del>1118 Olmo</del> <del>Boulder City, NV</del> <del>89005</del> 1204 Hemlock Way New Carlisle, OH	70,000.00	Unknown

**EXHIBIT A**

		45344-1117		
--	--	------------	--	--